

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

David Fearn and Christina Hemker,
individually and on behalf of those
similarly situated and the Proposed
Minnesota Rule 23 Class,

Civil No. 11-CV-743 (DSD/TNL)

ORDER

Plaintiffs,

v.

Blazin' Beier Ranch, Inc. d/b/a Whiskey
Creek Wood Fire Grill, Lisa Tonjum and
Jessica Beier-Prescher,

Defendants.

Anna P. Prakash and Steven Andrew Smith, Nichols Kaster, PLLP, 80 South Eighth Street, Suite 4600, Minneapolis, MN 55402-2242 (for Plaintiffs);

Sara Gullickson McGrane and Grant T. Collins, Felhaber Larson Fenlon & Vogt, PA, 220 South Sixth Street, Suite 2200, Minneapolis, MN 55402-4504 (for Defendants).

Based upon the Report and Recommendation by United States Magistrate Judge Tony N. Leung dated January 30, 2012 (Docket No.40), along with all the files and records, and no objections to said Recommendation having been filed, **IT IS HEREBY ORDERED** that:

1. The parties' Joint Motion for Preliminary Settlement Approval (Docket No. 29) is

GRANTED;

2. The proposed Rule 23 class and FLSA collective as defined in the Joint Motion is

CERTIFIED for settlement purposes;

3. Plaintiffs' Counsel is **APPOINTED** as Class Counsel and Settlement Administrator;

4. Named Plaintiffs, David Fearn and Christina Hemker, are **APPOINTED** as Class Representatives;
5. The Notice of Settlement (Docket No. 38) is **APPROVED** for distribution; and
6. A final settlement approval hearing is **SCHEDULED** for May 25, 2012 at 10:00 a.m. before the undersigned in Courtroom 14W, 300 South Fourth Street, Minneapolis, MN.

Date: February 15, 2012

s/David S. Doty

David S. Doty, Judge
United States District Court